

FREMONT JOURNAL:

I. W. BOOTH, Editor and Publisher.

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TERMS.

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FREMONT JOURNAL
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I. O. O. F.

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July 19, 1851.

BUCKLAND & EVERETT,
Attorneys and Counselors at Law,
And Solicitors in Chancery.

WILL attend to Professional business and Land Agency in Sandusky and adjoining counties. Office 3d Street, Buckland's Block, Fremont, R. P. BUCKLAND. [Homer Everett, January 1st, 1852.]

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AND GENERAL
STAGE OFFICE:
FREMONT, SANDUSKY COUNTY, O
WM. KESSLER, Proprietor.

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No effort will be spared to promote the comfort and convenience of Guests.
UP Good Stabling and excellent Ostrich in attendance.
Fremont, November 24, 1850—36

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Will promptly attend to all professional business entrusted to their care.
Office—In Sharp's New Brick Block,
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L. D. PARKER, Surgeon Dentist,
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Fremont Jan. 24, 1851.

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DR. R. S. RICE,
Continues the practice of Medicine in Fremont and adjacent country.

Office, as formerly, on Frontstreet, opposite Deal's new building.
Fremont, Nov. 23, 1850.—37

Electric Physicians.
DOCTORS Wm. W. Kershner & Wm. H. Kuepple—Office: South East corner of Pike and Front streets, Fremont, Ohio, where one or both of us will be found at all times to attend to Professional calls.
Fremont, July 24th, 1852.—15.

WARRANTY, Mortgage, and Quit Claim
Deeds for sale at the
FREMONT OFFICE.

PAPER HANGING S. A good assortment, Spring Styles, selling off at low prices.
March 16, '53. McLELLAN & McGEE.

FREMONT JOURNAL.

No Sacrifice of Principles.

VOLUME I.

FREMONT, SANDUSKY COUNTY, MAY 7, 1853.

NUMBER 15.

LAWS OF OHIO

(BY AUTHORITY.)

No. 9.] AN ACT

To amend the act entitled "an act to provide for the organization of cities and incorporated villages."

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That the amount of taxes which may be certified, assessed and collected, annually, for a special road district by the council of any city or the trustees of any incorporated village, to defray the general and incidental expenses thereof, shall not exceed two and a half mills on the dollar of the amount subject to taxation; for an incorporated village, to defray its general and incidental expenses, three mills on the dollar; and for the purpose of paying existing indebtedness, seven mills on the dollar; for a city of the second class, to defray its general and incidental expenses, three mills on the dollar; for a city of the first class to defray its general and incidental expenses, five mills on the dollar; to the amount authorized for general and incidental purposes specially designated and to be applied or appropriated to none other, as follows: by cities of the second class, for the purpose of pay and support of the city police, an amount not exceeding one mill on the dollar; for the purpose of contributing to the maintenance of a fire department, an amount not exceeding a mill on the dollar; for school purposes, an amount not exceeding four mills on the dollar; by cities of the first class, for the purpose of the pay and support of the city police, an amount not exceeding two mills; for the purpose of contributing to the maintenance of a fire department, an amount not exceeding one mill on the dollar; for the purpose of a house of refuge, house of correction, work house and city prison, an amount not exceeding one and a half mills; for the purpose of water works, an amount not exceeding one half of a mill on the dollar; for school purposes, an amount not exceeding two mills; for the purpose of a city infirmary and out-door relief to the poor, an amount not exceeding two mills on the dollar.

Sec. 2. That any city for the purpose of erecting water works, for supplying such city with water, may issue its bonds for borrowing money in any sum not exceeding five hundred thousand dollars, at such rates of interest, at such dates and upon such length of time as the city council of any such city may deem proper; and all monies so borrowed shall be used and applied exclusively to the erection of such water works; and to no other use or purpose whatever; Provided, that no money shall be borrowed by any city for the purpose aforesaid, unless the proposition setting forth the amount proposed to be borrowed shall have been distinctly submitted to a vote of the electors of such city, under the provisions of a city ordinance, and shall have been approved by a majority of those voting upon the proposition; provided, however, that the provisions of this section shall not be construed to apply to any city in which water works are already constructed.

Sec. 3. For the purpose of paying the interest on the money so borrowed, during the erection and completion of such water works, and before they shall have been put in operation, a tax of sufficient amount shall be assessed and collected each and every year, in the usual manner of levying and collecting taxes in said city, upon all the taxable property thereof.

Sec. 4. For the purpose of paying the interest on the amount borrowed by any city for the purchase, erection or extension of water works, and after they shall have been put in operation, and for the building of machinery, a tax of sufficient amount may be assessed and collected by the city council in each and every year, in such manner as the city council may deem most equitable and proper, as may be directed by ordinance, upon all the taxable property adjoining, abutting to, or bounded upon any street, lane, alley, public ground, square, block, or premises which water pipe has been laid, and the city council of such city, under the provisions of a city ordinance, shall on or before the first day of March, eighteen hundred and fifty-four, determine by ordinance whether the aforesaid tax shall be so levied and collected, or whether water rents shall be assessed and collected as heretofore by the trustees of water works, or city council, of all cities where water works are now in use.

Sec. 5. For the purpose of paying the expenses of conducting and managing water works, the trustees of water works shall have power to assess and collect from time to time, a water rent of sufficient amount, in such manner as they may deem most equitable, upon each and every tenement adjoining, abutting to, or bounded upon any street, lane, alley, public ground, square, block, or premises through which water pipe has been laid; for the creation of a sinking fund for the redemption of the indebtedness of any city, contracted by loans for water works purposes, the amount as herebefore provided for in the third section of this act, and levied and assessed for water works purposes, shall be applied by the city council to the payment of such indebtedness and none other.

Sec. 6. The city council of any city in which water works are, or may be situated or in progress of construction, shall establish a board of three trustees, to be known as the trustees of water works, who shall be elected by the qualified electors of the city, and hold their offices for the term of three years; except at the first election under this act, at which one person shall be chosen for one year, one person for two years, and one for three years, and thereafter one of the trustees shall be elected annually; the trustees of water works shall manage, conduct and control the city water works, furnish supplies of water, collect water rents, and appoint all necessary officers and agents, and the amount of the salaries of said officers or agents so appointed, and term of office, shall be determined by the trustees; the trustees of water works shall be authorized to make such by-laws and regulations as they may deem necessary for the safe, economical and efficient management and protection of the works; and said by-laws shall be of the same validity as the city ordinances, provided they are not made repugnant to the ordinances of

the city, constitution or laws of the State of Ohio. The trustees of water works shall cause a report to be made monthly to the city council, of the receipts and disbursements of money belonging to the works, and annually make a report of the condition of the works, and cause the same to be printed for the benefit of the public, and cause all money received or collected for water works purposes, to be deposited with the city treasurer, and cause receivers or collectors of water works funds to make such deposits weekly, and return a receipt for the amount deposited to the trustees or their authorized agent; and all money so deposited with the city treasurer, on account of the water works, shall be kept a separate and distinct fund, for the payment of such indebtedness of the water works, as is hereinbefore mentioned, and together with the amount of the interest allowed to the city treasurer upon the water works funds shall be deposited by him in such place as the city council shall order, shall be subject to the order of the trustees of water works, of the city in which such water works are or may be situated; and all orders made by the trustees of water works on the city treasurer for money, shall be signed by one of the trustees and countersigned by the secretary or clerk of the water works; the trustees of water works shall also be authorized to make contracts for the building of machinery, water works buildings, reservoirs, and for all other necessary purposes, to the full and efficient management and construction of such water works; and for such purpose the city council of any city where water works are already constructed, are hereby authorized, upon petition of the trustees of water works, to borrow any sum of money not exceeding seventy-five thousand dollars, at a rate of interest not to exceed six per cent per annum, said sum to be made use of for water works purposes and none other.

Sec. 7. The city council of any city in which water works are, or may be situated or in progress of construction, shall be authorized to appoint a committee for the investigation of books and papers, together with all matters pertaining to the management of the water works, at least once a year, and oftener if necessary by reason of any neglect of duty, or malfeasance on the part of any officer of the works, and any officers of the works, found by said committee so offending, shall be liable to impeachment and removal from office by the city council: no charge shall be made by the trustees of water works to any city for supplying the city with water for the extinguishing of fires, or cleaning of fire apparatus, or the cleaning of market houses, or for the use of any of the public buildings belonging to the city; but all attachments belonging to the water pipes, or other fixtures belonging to the water works, and intended for public use, shall be subject to the same supervision, rules and regulations as are otherwise made, and intended to protect the water works against abuse, destruction, and inordinate or unnecessary use or waste of water, or the trustees may make general or special rules and regulations for such purpose.

Sec. 8. The city council of any city shall have power to enter upon, and take possession of any lands which may be deemed necessary for the construction, erection or extension of water works, or the laying down of pipe, and any lands so taken possession of for water works purposes shall not be liable to be made use of or taken possession of for any other purpose whatever, except by consent of the trustees of water works, and the city council; when it becomes necessary to appropriate lands for such purpose as hereinbefore mentioned, the proceedings shall be the same as provided in sections twenty-seven, twenty-eight and twenty-nine, of the act for the organization of cities and incorporated villages, passed May 3, 1852.

Sec. 9. That the trustees of water works, before entering into any contract for work to be done, the estimated cost of which shall exceed one hundred dollars, they shall cause at least two weeks notice to be given in one or more daily newspapers of general circulation in said city, that proposals will be received by said trustees, for the performing of such work, which shall be specified in said notice; and the trustees shall contract with the lowest bidder, if in their opinion said lowest bidder can be depended on to do the work with ability, promptness and fidelity, and if such may not be, said trustees may give such contract to the next lowest bidder, or decline to contract and advertise again; said trustees shall require bond to be given with good and sufficient security for the faithful performance of the work; but no member of said board of trustees shall be such security; nor shall any of said trustees be a contractor or be in anywise either directly or indirectly interested in any of such work to be contracted for: Provided, nevertheless, that in case of emergency, the city council of said city may, by a vote of two-thirds of all the members elect, authorize said trustees to enter into such contracts without advertising to meet such emergency.

Sec. 10. The city council of any city may provide by ordinance for the appointment of a suitable number of inspectors for all such purposes as are not otherwise provided for by law, and the said council shall have power to provide for issuing licenses to any such inspectors and to regulate the fees to be paid to such officer for his services as such inspector.

Sec. 11. That the city council of any city or trustees of any incorporated village, for the purpose of extending the time of the payment of any indebtedness heretofore incurred, and which from its limit of taxation such city or incorporated village is unable to pay at its maturity, shall have the power to issue the bonds of such city or incorporated village, or borrow money, so as to change, but not increase, the indebtedness, in such amounts, and for such length of time, and at such rate of interest as such city council or trustees of any incorporated village, may deem proper, not to exceed six per centum per annum; and when such bonds shall have been issued, a tax shall be assessed and collected sufficient in amount to provide a sinking fund for the final redemption as provided in section ninety-one of the act to which this is supplemental.

Sec. 12. That the ninety-eighth section of said act, be, and the same is hereby so amended as to read as follows: That the council of any municipal corporation shall not authorize any loan or appropriation not predicated on

the revenues of the corporation for the current fiscal year, and shall not authorize any order or appropriation of money when there is not in the city treasury money unappropriated sufficient to pay such appropriation; and any appropriation otherwise made or authorized, shall be held and deemed utterly void and of no effect as against said corporation:—

Provided, however, that for the purpose of purchasing necessary grounds and erecting suitable school building for the use of public schools, the council of any such corporation may, at the request of the board of education of said corporation, make sufficient appropriation therefor, and shall have power to borrow money upon the credit of such corporation sufficient for the aforesaid purposes, at such rates of interest as said council may deem proper; and for the purpose of perfecting such loan, the said council shall have power to pledge the faith of said corporation for the payment of both principal and interest, including the power to levy a tax for the payment of the same whenever the same may become due, and to make and execute such bonds or other evidences of debt, and payable at such times and places as shall be agreed upon by the parties so contracting, which said bonds or other evidences of debt may be made transferable and redeemable in such form and at such times and places as may be herein designated; and the said school buildings heretofore authorized shall be constructed under the direction of, and in accordance with, a plan or plans furnished by the board of education of said corporation; and provided, further, that the city council of any city of the first class shall have power to borrow any sum of money not exceeding five hundred thousand dollars, at such rate of interest not exceeding six per cent per annum, at such dates and upon such length of time as the city council of any such city may deem proper, for the purpose of purchasing lands or other property within the corporation limits of such city, said lands or property to be converted to the use of such city for public wharves, public squares or parks or market spaces; and any city council of any such city so borrowing any money for such purpose or purposes, shall be authorized to issue the bonds of said city, payable at such time and such place for all money so borrowed; as said city council may determine; said city council shall have power to pledge the faith of the city for the redemption of said bonds, and shall also have power to provide for the payment of the interest on such loan, provided that nothing in this act shall be so construed as to vest in any such city council any power to issue the bonds aforesaid for said loan of five hundred thousand dollars, or any part thereof, for the purchase of public wharves, squares or parks, or market spaces, unless the following requirements have been complied with, to wit: that whenever it shall become necessary for any such city to purchase any public wharves, squares, or market spaces, it shall be the duty of the mayor of said city to nominate three citizens, subject to the confirmation of the city council, as a board of commissioners for the purchase of so much land for such of the purposes aforesaid as said city council may designate; and upon the confirmation by the city council of the nomination of said commissioners, it shall be their duty to negotiate for the purchase of such lands for the purposes aforesaid as said city council may direct; and they shall report to the city council all propositions they may have received, in writing, for the sale of any such land for the purposes aforesaid; after having received said report or reports from said commissioners, said city council may consummate the purchase conditionally, as follows, to wit: that said city council shall advertise in at least two English and one German daily newspapers of said city, for the space of thirty days, their intention to consummate said purchase, the extent, location, and purpose of the purchase, and the price to be paid for the same; and it shall be the privilege of any tax-paying citizen of any such city, who shall desire that such city is about to be wronged by any such purchase, either by the payment of more than the cash value of said land, or by fraud, or neglect on the part of any one, to remonstrate against the consummation of said purchase any time within the aforesaid thirty days, and it shall be the duty of any city council of any such city, upon receiving such remonstrance, to hear in open meeting of said council all evidence that may be presented in writing for or against the consummation of such purchase; and said city council, after having considered all the evidence offered, shall finally decide for or against such purchase; and if any such purchase of land for any of the aforesaid purposes shall have been consummated by the city council of any such city after having complied with all the requirements of this act, then and in that case the city council of any such city shall be fully authorized to borrow five hundred thousand dollars, or any part thereof, in manner and form and for the purpose provided for in this act.

Sec. 13. That the city council of any city or incorporated village of this state, on petition filed by any person or persons owning any lot or lots in any such city or incorporated village, praying that any street or streets, alley or alleys in the immediate vicinity of such lot or lots, may be vacated or narrowed; and the said council may and they are hereby authorized, upon hearing and being satisfied that there is good cause for such vacation or narrowing, and it will not be detrimental to the general interests, and that the same shall be made, declare such street or streets alley or alleys vacated or narrowed, provided, no street or alley shall be vacated by an incorporated village council, until after the next election of the members of such council.

Sec. 14. Any incorporated city, whether of the first or second class, shall have power for commercial purposes, when in the judgment of the city council the interests of the city require, to construct, open, excavate or otherwise improve, enlarge or extend any canal, ship channel or watercourse, or light or keep the same in repair, which may be located within the limits of such city, and which is not owned in whole or in part by the state or by any company or companies, individual or individuals, authorized by law to construct the same, and all power conferred by this section shall be exercised, and necessary taxation imposed in the manner and un-

der the limitations and restrictions as prescribed with respect to streets, alleys, wharves, and other public grounds in the act of May 3, 1852, aforesaid.

Sec. 15. The city council of any incorporated city or village may order the clerk or other proper officer of the council to certify under his official seal any delinquent tax heretofore or which may hereafter be assessed by said city or village, for opening, grading or otherwise improving any street or alley in said city or village to the auditor of the proper county, which tax so certified, the auditor is hereby required to place on the grand tax duplicate of the county, in a separate column, and the same shall be collected in like manner as state and county taxes.

Sec. 16. That the fifty-eighth section of said act be, and it is hereby so amended as to read as follows: That until otherwise provided by the city council constituted by this act, that numbers, divisions and boundaries of the several wards of cities of the first class, heretofore incorporated, shall remain as fixed by ordinance on the first day of September, A. D. one thousand eight hundred and fifty-one, provided that the city council created by this act, may at any time create additional wards, and the boundaries thereof, or reduce the number of wards already created, and define those now established, alter in such manner as may be deemed expedient: provided, that the city council of all cities of the second class now having one or more wards, may divide such city into such number of wards as said council may determine, before the time of the first election under the act to which this is amendatory, and each of such wards shall, at such first election, be entitled to two representatives to be elected as provided for in the fifty-ninth section of the act to which this is amendatory.

Sec. 17. That the ninety-second section of said act be, and it is hereby so amended, as to read as follows: "That for the purpose of paying the interest on the public debt of any municipal corporation, the council thereof shall have power, and it is hereby made their duty, to levy and collect annually on the property appraised and returned as aforesaid, a sum not exceeding six mills on the dollar, sufficient to pay and satisfy the whole of such interests as the same accrues, which sum, when so paid into the treasury, shall be and remain a specific fund for that purpose only, and shall not be appropriated or used in any other way."

Sec. 18. That the twenty-sixth section of the said act, be, and it is hereby so amended as to read as follows: they shall have power to lay off, open, widen, straighten, extend and establish, to improve and keep in order and repair and to light streets, alleys, public grounds, wharves, landing places, and market spaces; to open and construct and keep in order and repair, sewers and drains; to enter upon or take for such of the above purposes as may require it, land material, and to assess and collect a charge on the owners of any lots or lands, or on the lots or lands through or by which a street, alley or public highway shall pass for the purposes of defraying the expenses of constructing, improving, repairing or lighting such streets, alleys, or public highway, to be in proportion either to the feet front of the lot or land abutting on such street, alley, highway, or to the value of such lot or land, as assessed for taxation under the general law of the State, as such municipal corporation may in each case determine;—and they shall have power to provide, by ordinance, for the lighting of any railway, or portion thereof which may be located within the corporate limits of such town or city, in such mode and manner as it shall be deemed necessary or proper by any town or city council, to provide for the lighting of any such railway or portion thereof located as aforesaid they shall pass an ordinance requiring such railroad company or companies, within a specified time, which shall not be less than thirty days, so to light their track or tracks, or such portion thereof as may be designated by such ordinance, and such ordinance shall prescribe the mode and manner in which the same shall be done, the number, style and size of lamp posts, burners, lamps and all other fixtures and apparatus necessary for such lighting, and the points of location for said lamp posts; and in case the said lighting shall not be done in conformity with the provisions and specifications of such ordinance or should any railroad company fail or refuse to light its track, or such portion thereof as may be designated, within the time limited by the ordinance, the city or town council may proceed immediately to cause such lighting to be done in conformity with the provisions of such ordinance; and such municipal corporation may either by a general ordinance or resolution, prescribe the mode in which the charge on any railroad company or companies shall be assessed and determined; such charge when so assessed and determined, shall be payable by the railroad company or companies, at the time of the assessment, and shall also be a lien upon the lots or land in the possession of such railroad company or companies, from the time of the assessment: such charge may be collected, and lien enforced by a proceeding at law, or in equity, either in the name of the municipal corporation, or of any person to whom it shall have been directed to be made: in any such proceeding at law, when pleadings are required, it shall be sufficient to declare generally for work and labor done, and materials furnished on the particular railway, part or parts thereof: proceedings at law or in equity may be instituted against all the railroad companies, or each or any of them whose tracks may be located as aforesaid, against whom such assessment or charge shall have been made, or to enforce the lien against all the lots or land, or parcels or any number of them affected by any one or several assessments, but the judgment or decree shall be rendered severally or separately for the amount properly chargeable, and any proceeding may be served in the direction of appeal, and in any such proceeding when the court trying and hearing the same shall be satisfied that the work has been done or materials furnished, which according to the true intent of the ordinance aforesaid and the provisions of the act would be properly chargeable on the lot or land, or

against any railroad company whose railway or part thereof, shall have been so lighted, a recovery shall be had a charge enforced to the extent of the proper proportion of the value of work or material which would be chargeable on such lot or land, or against such railroad company, according to the provisions of such ordinance and of this section, notwithstanding any irregularity, informality or defect in any assessment on the part of such municipal corporation, or its officers; but in such case the court shall adjudge as to costs as may be deemed proper; and in cases where assessments shall have been regularly made, and payment shall have been neglected or refused at the time when the same was required, any municipal corporation, or any person to whom the said corporation shall have directed payment to be made, shall be entitled to demand, and recover in addition to the amount assessed, with interest from the time of assessment, the additional sum of five per cent, penalty to defray the expenses of collection, and which shall be included in the judgment or decree.

Sec. 19. That the forty-fifth section of said act be, and it is hereby so amended as to read as follows: "Sec. 45. The said trustees shall have the exclusive supervision and control of all public roads, streets and alleys, sewers and drains, constructed or to be constructed within the limits of such special road district; they shall have the power to lay off and establish, to improve, keep in order, and repair, roads, streets and alleys, and to open and construct, and keep in order and repair, sewers and drains: to enter upon and take for the purpose aforesaid, when necessary, land or material: to assess and collect a charge for the construction, improvement, or repair of any such road, street or alley; and to carry into effect such powers, and the other powers incident to a corporation for the said special purposes, may make and publish ordinances, by-laws and resolutions, and shall have the like rights and remedies in all respects, as in this act provided, in relation to other municipal corporations. And for the services performed by any supervisor in his capacity as such, under the direction of the trustees of any such special road district, the same shall be settled and paid for by the trustees of the proper township or townships as in other cases."

Sec. 20. That the forty-second section of said act be, and the same is hereby so amended as to read as follows: "Sec. 42. It shall be the duty of the Governor, Auditor, and the Secretary of State, or any two of them, at the time of ascertaining the ratio of representation, as required by the eleventh section of the said article of the constitution, also to ascertain what cities of the second class are entitled to become cities of the first class, and what incorporated villages are entitled to become cities, and their proper class, and the Governor shall cause a statement thereof to be prepared by the Secretary of State, which statement he shall cause to be published in some newspaper printed in the city of Columbus, and also in some newspaper printed in each of the cities or incorporated villages, the grade of which shall have been so advanced, and a copy of said statement shall also be transmitted by the Secretary of State to the next session of the General Assembly; provided, however, that before said city or incorporated village shall be advanced as hereinafter provided, the trustees thereof by resolution certified to the Secretary of State, shall accept of such advanced grade, and therefrom any such city or incorporated village shall, at the next regular annual period for the election of municipal officers, proceed to organize according to its new grade, by the election of officers properly belonging thereto, and on their election and qualification the term of service of every former officer shall expire."

And it shall further be the duty of the Governor, Auditor and Secretary of State to declare cities of the second class, cities of the first class, between decennial periods: Provided the application from any city, be accompanied by a resolution adopted by said city council, asking to be declared a city of the first class, shall be accompanied with satisfactory evidence showing the population of said city to be over twenty thousand."

Sec. 21. Any town which by the special act of incorporation, has been divided into wards, shall be denominated a city of the second class, if the council shall so determine.

Sec. 22. That the powers granted to the council of any city by section sixty-five of the act to which this amendatory, are here granted to the council of any incorporated village containing not less than fifteen hundred inhabitants.

Sec. 23. That the mayor of any incorporated village shall have power to appoint temporarily as many assistant marshals as he may think necessary who shall take an oath of office, and may be required to give bond for the faithful discharge of their duties and who shall have the same powers as the chief marshal.

Sec. 24. That section fifty-seven of the act to which this is amendatory, be, and the same is hereby so amended as to read as follows: "The Mayor shall be elected biennially in cities of the first and second class on the first Monday in April by the qualified voters of the city; he shall be a qualified elector and reside within the limits of the city, and shall hold his office during the term for which he shall have been elected and until his successor shall have been elected and qualified; he shall keep an office at some convenient place in the city to be provided by the city council, and shall keep the corporate seal of the city in his charge; he shall sign all commissions, licenses and permits granted by the authority of the city council, and such other acts as by law or ordinance may require his certificate. In case of death, disability, resignation or other vacation of his office, the city council may by a vote of a majority of all its members, appoint some other person to act, until the expiration of said term or disability."

The mayor of the city shall be its chief executive officer and conservator of its peace, and it shall be his special duty to cause the ordinances and regulations of the city to be faithfully and constantly obeyed. He shall supervise the conduct of all the officers of the city, examine the grounds of all reasonable complaints made against any one of them

and cause all their violations of duty or their neglects to be promptly punished or reported to the proper tribunal for correction. He shall have and exercise within the city limits the powers conferred upon the Sheriffs of the counties to suppress disorder and to keep the peace; he shall also perform such other duties compatible with the nature of his office, as the council may from time to time require; he shall receive such salary, payable quarterly out of the city treasury as may be provided by ordinance, but the amount of said salary shall neither be increased nor diminished during any incumbent's term of office.

Sec. 25. That section eighty-five of the act to which this is amendatory, be amended so as to read as follows: "Sec. 85. The police court shall always be open for the despatch of business, but may adjourn from day to day, or from time to time, to a time, in which cases shall be brought before the court shall be regulated by the ordinance of the council, or a rule of the court; the jurors in the said court shall have the qualifications of jurors in the court of common pleas, and shall be summoned and empaneled in accordance with the ordinance of the city council, or a rule of the court; the police judge shall adopt such rules of practice and proceedings as will give all parties a proper statement of any charge against them, full opportunity of being heard, but shall at the same time discontinue the business of the court with all convenient speed, the qualified voters shall elect on the first Monday of April, one thousand eight hundred and fifty-three, a Prosecuting Attorney, and clerk for said court, the Prosecuting Attorney to hold his office for two years; each of said officers shall continue in office until his successor is elected and qualified; the salary of said officers to be paid out of the city treasury, and the amount of their compensation shall be fixed by the city council."

Sec. 26. That section eighty-nine be amended as follows: "Sec. 89. That the council of any municipal corporation is hereby authorized and required to cause to be certified to the Auditor of the county, on or before the second Monday of June annually, the per centage by them levied on the real and personal property in said corporation, appraised and returned on the grand levy aforesaid; and the said county Auditor is hereby authorized and required to place the same on the duplicate of taxes for said county in the same manner as township taxes are now by law placed on said duplicate, which said taxes of said municipal corporation shall be collected by the county treasurer, and paid into the treasury of such corporation in the same manner, with the same power and restrictions, and under the same regulations, and in all things as to the sale of real or personal property he shall be authorized, and is hereby required to act according to the provisions and requisitions of the law for the collection of taxes for State and county purposes; provided that nothing in this act shall be so construed as to prevent any city that may elect to do so from levying and collecting such taxes within their respective corporations, and when any city shall elect to levy and collect such taxes, it shall be the duty of the city council to provide by ordinance for the appointment and regulation of the necessary officers to carry the same into effect, and such officers so created shall have all the power, and be under all the restrictions of County Auditor, County Treasurers, and Township Assessors, as far as the same shall be applicable to them, except in the sale of delinquent lands, and said city council may order the clerk or other proper officer of the council to certify any delinquent tax assessed by such city to the Auditor of the proper county which delinquent taxes so certified, the Auditor is hereby required to place on the grand tax duplicate of the county in a separate column and the same shall be collected in like manner as other delinquent State and county taxes."

Sec. 27. That in any city the corporate limits thereof comprise the whole territory of any established township, and wherein a city infirmary has been established the office of township trustees and township clerk shall be abolished and cease, from and after the twentieth of March, one thousand eight hundred and fifty-three; and it shall be the duty of the directors of the city infirmary of such city, thereafter to perform under the control of the city council of such city, all the functions which such township trustees were authorized by law to perform up to said date, and the said directors of the city infirmary are hereby vested with [with] all the powers of such township trustees; provided, that said powers as far as they relate to the levying of taxes and the holding of elections, are hereby exclusively transferred to such city council.

Sec. 28. That all the property real and personal, together with all the moneys and credits held in possession or under the control of said township trustees for any purpose whatever, on the twentieth day of March, one thousand eight hundred and fifty-three, shall or said day vest in said city, and the said township trustees shall then deliver to the city council of such city, all the property, moneys and credits aforesaid, together with the evidences of the same and a full and final settlement of their accounts.

All suits pending and judgments recovered by, in favor or against any such township, together with all rights, interests, claims, and demands, in favor of and against the same, may be continued, prosecuted, collected and enforced by or against any such city, as though this act had never been passed; and all suits authorized, by law to be brought by or against such township or township trustees, shall be prosecuted by or against such city.